



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

*ye*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/674,159

09/29/2003

Jianzhu Chen

0492611-0506 (MIT 9926)

1899

24280 7590 04/02/2007  
CHOATE, HALL & STEWART LLP  
TWO INTERNATIONAL PLACE  
BOSTON, MA 02110

EXAMINER

MCGARRY, SEAN

ART UNIT

PAPER NUMBER

1635

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

30 DAYS

04/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

### Non-Responsive Election

The reply filed on 1/10/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has failed to comply with the restriction requirement in that applicant has not made an election corresponding to the restriction requirement. Although it is appreciated that applicant is willing to elect more than permitted by the restriction, such a response is not fully responsive. It is noted that the examiner does indeed agree that a single target can be elected as well as (1) one corresponding antisense and (1) one corresponding sense oligonucleotide would be an acceptable election. However applicant has insisted on further elections and has not made an election as required by the requirement. Applicant is directed to page 7 of the requirement where it states "Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention." Applicant has not heeded this advisement in their response and the response is held non-responsive. Applicant may make an election where a pair of one antisense and one sense oligonucleotide to a target is elected since a search of one sequence will also result in a search of its complement. The examiner has looked at the elected sequences and notes that the sequences do not share substantial overlap or similarity such that a different search would be required for each sequence (other than the complements as noted

Art Unit: 1635

above). An attachment of the elected sequences has been attached for applicant convenience.

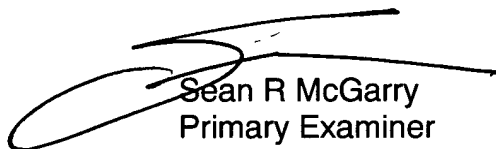
See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean R. McGarry whose telephone number is (571) 272-0761. The examiner can normally be reached on M-Th (6:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Douglas Schultz can be reached on (571) 272-0763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sean R McGarry  
Primary Examiner  
Art Unit 1635



ATTACHMENT TO PAPER 20070326

PLEASE SCAN

\* NOT SEARCH  
NOTES

<210> SEQ ID NO 43  
<211> LENGTH: 21  
<212> TYPE: DNA  
<213> ORGANISM: Influenza virus type A NP segment  
<400> SEQUENCE: 43  
aaggatctta tttcttcgga g  
21

<210> SEQ ID NO 93  
<211> LENGTH: 21  
<212> TYPE: DNA  
<213> ORGANISM: Artificial Sequence (siRNA)  
<220> FEATURE:  
<223> OTHER INFORMATION: targeted to influenza virus type A NP  
Segment  
<400> SEQUENCE: 93  
ggaucuuauu ucuucggagt t  
21

<210> SEQ ID NO 94  
<211> LENGTH: 21  
<212> TYPE: DNA  
<213> ORGANISM: Artificial Sequence (siRNA)  
<220> FEATURE:  
<223> OTHER INFORMATION: targeted to influenza virus type A NP  
segment  
<400> SEQUENCE: 94  
cuccgaagaa auaagaucct t  
21

<210> SEQ ID NO 188  
<211> LENGTH: 22  
<212> TYPE: DNA  
<213> ORGANISM: Artificial Sequence (siRNA)  
<220> FEATURE:  
<223> OTHER INFORMATION: targeted to influenza virus type A NP  
segment  
<400> SEQUENCE: 188  
ggaucuuauu ucuucggaga tt  
22

<210> SEQ ID NO 189  
<211> LENGTH: 22  
<212> TYPE: DNA  
<213> ORGANISM: Artificial Sequence (siRNA)  
<220> FEATURE:  
<223> OTHER INFORMATION: targeted to influenza virus type A NP  
segment  
<400> SEQUENCE: 189  
ucuccgaaga aaauaagaucc tt  
22

<210> SEQ ID NO 222  
<211> LENGTH: 21  
<212> TYPE: DNA  
<213> ORGANISM: Artificial Sequence (siRNA)  
<220> FEATURE:  
<223> OTHER INFORMATION: influenza virus type A NP segment  
<400> SEQUENCE: 222  
uagauaaucacucacugagt t  
21